

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

)	
)	MDL Docket No. 2800
)	Case No. 1:17-md-2800
IN RE EQUIFAX INC. CUSTOMER)	
DATA SECURITY BREACH)	CONSUMER TRACK
LITIGATION)	<i>Block v. Equifax, Inc., et al.</i>
)	Member Case No. 1:17-cv-05341
)	

**INDIVIDUAL DEFENDANTS’
MOTION FOR CLARIFICATION**

Individual Defendants Richard F. Smith, Susan Mauldin, Graeme Payne, Mary Hannan, Harold Boutin, Robert Friedrich, Vidya Sagar Jagadam, Lara Pearson, Shea Giesler, Cliff Barbier, and Joe Sanders (collectively “Individual Defendants”), with consent of the Consumer Plaintiffs and the Financial Institution Plaintiffs, respectfully seek clarification from the Court regarding their obligation to answer or otherwise respond to the complaint filed by Plaintiff Carson Block (“Block”). (*See generally* Compl., Member Case No. 1:17-cv-05341 [hereinafter, “Block Compl.”].)

As explained in prior briefing, Block generally challenges the adequacy of data security protections at Equifax¹ and its handling of a data breach that occurred in 2017. In addition to suing Equifax, Inc., he has tacked on eleven current and former Equifax employees (the “Individual Defendants”), which, “[o]n information and belief,” he alleges acted negligently in safeguarding consumer data at Equifax. (*See* Block Compl. ¶¶ 10-20.)

Block’s case has been assigned to the Consumer Track established by the Court. (*See* Case Management Order No. 2 [Doc. No. 87] at Ex. 1.) In the same order making that assignment, the Court directed that “[n]o pleadings . . . will be filed in any of the dockets that have been established for the individual cases that are part of this multidistrict litigation.” (*Id.* at 4.) Rather, it explained that those cases would be administratively closed. (*Id.*) Thereafter, the Court specified that “Defendant’s time to respond to any individual complaint is hereby suspended without date.” (*See* Case Management Order No. 3 [Doc. No. 248] at 2.)

Despite the use of the singular, “Defendant,” in the above-quoted sentence, the Individual Defendants read the Court’s orders as not requiring—and, indeed, expressly prohibiting—the filing of any individual answers or

¹ For ease of reference, the Individual Defendants refer to Equifax, Inc., Equifax Information Services LLC, and Equifax Consumer Services LLC, individually and collectively, as “Equifax.”

responsive pleadings in the Block Action. Out of an abundance of caution, however, they respectfully request that the Court clarify that they are not required to file a responsive pleading to the Block Complaint notwithstanding the Court's partial denial of the motion to dismiss the consolidated Consumer Track complaint.

Undersigned counsel for Ms. Mauldin and Mr. Sanders have conferred with counsel for the Consumer Plaintiffs and counsel for the Financial Institution Plaintiffs, who both consent to the motion.

THEREFORE, the Individual Defendants respectfully request that the Court clarify that they are not required to file an answer or other responsive pleading to the Block complaint. A proposed order is attached as Exhibit A for the Court's consideration.

Respectfully submitted this 8th day of February, 2019.

[Signatures appear on following pages.]

ARNALL GOLDEN GREGORY LLP

/s/ Edward A. Marshall

Aaron M. Danzig
Georgia Bar No. 205151
aaron.danzig@agg.com
Edward A. Marshall
Georgia Bar No. 471533
edward.marshall@agg.com
171 17th Street, Suite 2100
Atlanta, GA 30363-1031
(404) 873-8536 phone
(404) 873-8537 fax

Attorney for Defendants
Susan Mauldin and Joe Sanders

/s/ Anthony L. Cochran

Anthony L. Cochran
Georgia Bar No. 172425
Emily C. Ward
Georgia Bar No. 500999
CHILIVIS, COCHRAN, LARKINS & BEVER, LLP
3127 Maple Drive, NE
Atlanta, GA 30305
(404) 233-4171 (telephone)
(404) 261-2842 (facsimile)
alc@cclblaw.com
eward@cclblaw.com

Attorneys for Defendant
Graeme Payne

BRISKIN, CROSS & SANFORD,
LLC

Alan M. Briskin
Georgia Bar No. 083110
abriskin@briskinlaw.com
David M. Messer
Georgia Bar No. 771007
dmesser@briskinlaw.com
1001 Cambridge Sq., Suite D
Alpharetta, GA 30009
(770) 410-1555 phone

Attorneys for Defendant
Susan Mauldin

/s/ David M. Chaiken

David M. Chaiken
Georgia Bar No. 118618
TROUTMAN SANDERS LLP
600 Peachtree Street NE, Suite 3000
Atlanta, Georgia 30308-2216
404-885-3000
404-885-3900 (Facsimile)
Email: david.chaiken@troutman.com

-and-

Steven G. Madison (admitted *pro hac vice*)
Michael E. Liftik (admitted *pro hac vice*)
Meghan A. McCaffrey (admitted *pro hac vice*)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
10th Floor
865 S. Figueroa Street
Los Angeles, CA 90017
202-538-8000
Email: stevemadison@quinnemanuel.com
 michaelliftik@quinnemanuel.com
 meghanmccaffrey@quinnemanuel.com

Attorneys for Defendant Richard F. Smith

/s/ S. Stewart Haskins II

KING & SPALDING LLP

David L. Balser

Georgia Bar No. 035835

Phyllis B. Sumner

Georgia Bar No. 692165

S. Stewart Haskins II

Georgia Bar No. 336104

Elizabeth D. Adler

Georgia Bar No. 558185

John C. Toro

Georgia Bar No. 175145

1180 Peachtree Street, N.E.

Atlanta, Georgia 30309

Tel.: (404) 572-4600

Fax: (404) 572-5140

dbalser@kslaw.com

psumner@kslaw.com

shaskins@kslaw.com

eadler@kslaw.com

jtoro@kslaw.com

Counsel for Defendants Mary Hannan, Harold Boutin, Robert Friedrich, Vidya Sagar Jagadam, Lara Pearson, Shea Giesler, and Cliff Barbier

CERTIFICATE OF COMPLIANCE

By his signature below, and as required by Local Rule 7.1.D., counsel for Defendants Susan Mauldin and Joe Sanders certifies that the foregoing document, which was prepared using 13-point Book Antiqua font, was served on all counsel of record by filing the same on the Court's CM/ECF system.

This 8th day of February, 2019.

/s/Edward A. Marshall
Edward A. Marshall
Georgia Bar No. 471533